

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 202133

22

ORIGIN OES-06

INFO OCT-01 EUR-12 ISO-00 L-03 PM-04 COME-00 DODE-00 NSF-01

/027 R

DRAFTED BY OES/OFA/MST:WLSULLIVAN/WAERB

APPROVED BY OES/OFA/MST:WLSULLIVAN

EUR/NE DDONCHI

L/OES DCOLSON

----- 123941

R 132240Z AUG 76

FM SECSTATE WASHDC

TO AMEMBASSY OSLO

LIMITED OFFICIAL USE STATE 202133

E.O. 11652: N/A

TAGS: OCLR, PLOS, NO

SUBJECT: MOBILE SEISMIC SHIP PORT CLEARANCE

REF: OSLO 3855

1. DEPT RELUCTANT TO ISSUE REQUESTED AUTHORITY PENDING CLARIFICATION OF REFTTEL. WHILE PORT CLEARANCES ARE A NORMAL PROCEDURE FOR ALL TYPES OF VESSELS, USE OF DIPLOMATIC CHANNELS FOR OBTAINING THEM IS NOT. DIPLOMATIC CHANNELS ARE NORMALLY USED ONLY FOR PUBLIC VESSELS AND OCCASIONALLY FOR PRIVATE VESSELS IN SPECIAL CIRCUMSTANCES. THUS, FOR EXAMPLE, THE DEPT USUALLY BECOMES INVOLVED IN CLEARANCES FOR FOREIGN PUBLIC VESSELS AND VESSELS OF CERTAIN NATIONALITIES CALLING AT US PORTS.

2. GENERAL INTERNATIONAL PRACTICE REGARDING PORT CLEARANCES FOR PRIVATE VESSELS ENGAGED IN PRIVATE ACTIVITIES IS THAT THE VESSEL OBTAINS CLEARANCE DIRECTLY OR THROUGH SHIP'S AGENT FROM PORT AUTHORITIES. CON-
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 202133

SIDERING LARGE NUMBER OF PRIVATE VESSELS, DEPT CONCERNED

AT PRECEDENT WHICH MIGHT BE SET IN OBTAINING PRIVATE VESSEL CLEARANCES THROUGH DIPLOMATIC CHANNELS. EVEN IN CASES OF US ACADEMIC RESEARCH VESSELS, WHICH ALTHOUGH PRIVATE ARE ENGAGED IN PUBLIC PURPOSES UNDER USG FUNDING,

WHERE DEPT AS MATTER OF POLICY SEEKS RESEARCH CLEARANCES THROUGH DIPLOMATIC CHANNELS, IT EXPECTS VESSELS TO OBTAIN PORT CLEARANCES THROUGH NORMAL PORT AUTHORITIES.

3. CONSIDERING LARGE AMOUNT OF PETROLEUM RESEARCH OFF NORWEGIAN COAST, CLEARANCES FOR MANY PRIVATE RESEARCH VESSELS MUST HAVE BEEN OBTAINED IN PAST. IN ABSENCE OF CONTRARY INFORMATION, DEPT MUST ASSUME THAT CLEARANCES WERE OBTAINED THROUGH LOCAL PORT AUTHORITIES.

4. DEPT HAS NOT MADE A PRACTICE OF SEEKING EITHER RESEARCH OR PORT CLEARANCES THROUGH DIPLOMATIC CHANNELS FOR PRIVATE VESSELS ENGAGED IN PRIVATE BUSINESS. OIL COMPANY VESSELS WILL GENERALLY OBTAIN RESEARCH CLEARANCES EVEN WHEN THE NATURE OF THE RESEARCH ACTIVITY DOES NOT MEET USG CRITERIA. UNDER USG INTERPRETATION OF 1958 CONTINENTAL SHELF CONVENTION, RESEARCH MUST BE BOTH CONCERNING THE SHELF AND UNDERTAKEN THERE TO REQUIRE CLEARANCE. MUCH OIL COMPANY RESEARCH IS CONDUCTED BY ECHO SOUNDING SYSTEMS FROM THE SURFACE WHICH DO NOT COME INTO PHYSICAL CONTACT WITH THE SHELF, I.E., IS NOT QUOTE UNDERTAKEN THERE UNQUOTE AND DOES NOT REQUIRE CLEARANCE UNDER CONVENTION. OIL COMPANIES DESIRE CLEARANCE, HOWEVER, IN PAVING WAY FOR POSSIBLE LICENSE TO EXPLOIT RESOURCES DISCOVERED. FROM EXPERIENCES REGARDING GLOMAR CHALLENGER, IT IS CLEAR THAT GON APPLIES MUCH BROADER CRITERIA TO SHELF RESEARCH REQUIRING CLEARANCE THAN DOES USG. SINCE MAJORITY OF OIL COMPANY RESEARCH DOES NOT MEET USG CRITERIA, DEPT MUST ASSUME IN ABSENCE OF INFORMATION TO CONTRARY THAT GON PERMISSION WAS NOT REQUIRED UNDER USG CRITERIA FOR SEISMIC WORK VESSEL ENGAGED IN, AND THAT IT IS IN FACT EXERCISING HIGH SEAS RIGHTS. DIPLOMATIC REQUEST FOR PORT CALL COULD CREATE UNFORTUNATE LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 202133

LINKAGE BETWEEN GON CRITERIA AND USG ACCEPTANCE THEREOF. EVEN IF VESSEL'S WORK DOES MEET USG CRITERIA, HOWEVER, DIPLOMATIC REQUEST IMPLIES USG ENDORSEMENT OF ENTIRE PROJECT, WHICH WE ARE RELUCTANT TO DO SINCE WE HAVE NO DETAILED KNOWLEDGE OF PROJECT AND IN ANY EVENT NO CONTROL OVER IT.

5. AUTHORIZATION TO DO SEISMIC WORK ON SHELF SHOULD

PAVE WAY FOR PORT CLEARANCES FOR VESSELS INVOLVED
THROUGH REGULAR PORT AUTHORITIES. HOWEVER, NATURE OF
BUSINESS A VESSEL CONDUCTS AT SEA, IF LEGAL, SHOULD
NOT BE A FACTOR IN OBTAINING ROUTINE PORT CLEARANCE

FOR OPERATIONAL VISIT.

6. ACCORDINGLY, DEPT REQUESTS CLARIFICATION OF
NORWEGIAN LAW CITED REFTL, ROLE OF FONOFF, AND ANY
SPECIAL CIRCUMSTANCES INVOLVED. ALSO IDENTITY,
CHARACTERISTICS AND NATIONALITY OF VESSEL IN QUESTION.
FINALLY, REQUEST CLARIFICATION ON USE OF PLOS TAG
SINCE EMBASSY DID NOT RAISE ANY LOS QUESTIONS. ROBINSON

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: RESEARCH, SHIPS, POLICIES, PORT CLEARANCES
Control Number: n/a
Copy: SINGLE
Draft Date: 13 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE202133
Document Source: CORE
Document Unique ID: 00
Drafter: WLSULLIVAN/WAERB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760313-0231
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760854/aaaabusn.tel
Line Count: 129
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN OES
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 OSLO 3855
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 31 AUG 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06 MAY 2004 by ifshinsr>; WITHDRAWN <26 AUG 2004 by izenbei0, REFER TO USAF>; RELEASED <31 AUG 2004 by GolinoFR>; APPROVED <31 AUG 2004 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: MOBILE SEISMIC SHIP PORT CLEARANCE
TAGS: OCLR, PLOS, NO, US
To: OSLO
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006